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10/584,312	06/23/2006	Masataka Togashi	291622US2PCT	9820
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER LAFORGIA, CHRISTIAN A	
			ART UNIT	PAPER NUMBER
			2139	
			NOTIFICATION DATE	DELIVERY MODE
			06/17/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/584,312	Applicant(s) TOGASHI ET AL.	
	Examiner Christian LaForgia	Art Unit 2139	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-12,15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-12,15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/27/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment of 20 March 2008 has been noted and made of record.
2. Claims 1-3, 5-12, 15, and 17-20 have been presented for examination.
3. Claims 4, 13, 14, and 16 have been cancelled as per Applicant's request.

Response to Arguments

4. Applicant's arguments, see page 11, filed 20 March 2008, with respect to 35 U.S.C. 112, 2ND paragraph rejections have been fully considered and are persuasive. The rejections of 1-3, 5-12, 15, and 17-20 under 35 U.S.C. 112, 2ND paragraph have been withdrawn.
5. Applicant's arguments with respect to the 35 U.S.C. 101 rejection of claim 20 filed 20 March 2008 have been fully considered but they are not persuasive. The Examiner was unable to find any support for recording medium, and could interpret the recording medium as incorporating both storage media and transmission media as disclosed in the first paragraph on page 8. Since the recording medium can be interpreted as transmission media, claim 20 is still directed toward non-statutory subject matter and the rejection of claim 20 under 35 U.S.C. 101 is maintained.
6. Applicant's arguments with respect to the prior art rejections of claims 1-3, 5-12, 15, and 17-20 have been considered but are moot in view of the new grounds of rejection set forth below.

Information Disclosure Statement

7. The information disclosure statement (IDS) submitted on 27 May 2008 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Specification

8. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter of claim 20. Claim 20 has been amended to recite a “computer readable recording medium.” The Examiner was unable to find any support for recording medium, and could interpret the recording medium as incorporating both storage media and transmission media as disclosed in the first paragraph on page 8. The Examiner suggests replacing recording medium with storage medium. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Appropriate correction is required.

Claim Rejections - 35 USC § 101

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. Claim 20 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 20 is directed to “computer readable recording medium.” One of ordinary skill in the art could reasonably construe that the claimed computer readable recording medium included both storage media and transmission media as illustrated in the first paragraph of page 8 of the specification. The Office's current position is that claims involving transmission media, such as signals encoded with functional descriptive material, do not fall within any of the categories of patentable subject matter set forth in 35 U.S.C. § 101, and such

claims are therefore ineligible for patent protection. *See* 1300 OG 142 (November 22, 2005) (in particular, see Annex IV(c)).

Claim Rejections - 35 USC § 103

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

12. Claims 1 and 3-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0212828 A1 to Miyazaki et al., hereinafter Miyazaki, in view of U.S. Patent No. 6,415,154 B1 to Wang et al., hereinafter Wang.

13. As per claims 1, 15, and 20, Miyazaki teaches a time certification server, method, and computer readable recording medium, comprising:

a receiving section configured to receive from a terminal apparatus an issue request for a time certification code and terminal information relating to the terminal apparatus (Figures 7 [blocks 702, 703], 12 [blocks 1202, 1203], paragraphs 0077, 0157, i.e. server receives time stamp TS and digital data D);

a temporal change information input section configured to input temporal change information (Figures 5 [block 502], 7 [blocks 704], 11 [block 1102], 12 [block 1204], paragraphs 0050-0057);

a first code generating section configured to generate a first code by encoding the temporal change information and output the first code (paragraphs 0058-0062);

a second code generating section configured to generates a second code based on the received terminal information and the first code and output the second code (Figure 6, paragraphs 0067-0072);

a transmitting section configured to transmit to the terminal apparatus the second code as a time certification code (Figures 7 [blocks 707, 708], 12 [blocks 1210, 1211], paragraphs 0073, 0164);

a time certification code memory section configured to store the time certification code in correlation with time (Figures 2 [block 210], 4 [block 407], 6 [block 605], 10 [block 1005], 11 [block 1107], paragraphs 0038, 0039, 0046, 0069); and

a certification processing section configured to receive the time certification code from the terminal apparatus, search the time certification code memory section using the time certification code received, to obtain time correlating with the time certification code, and output certification information based on the time obtained to the terminal apparatus (Figures 7, 12, paragraphs 0074-0083, 0152-0164).

15. Miyazaki does not teach wherein the terminal information includes position information of the terminal apparatus obtained by measuring a position of the terminal apparatus.

16. Wang teaches a mobile terminal with a GPS receiver, such that the mobile terminal transmits location information of said mobile terminal (Abstract, column 2, lines 27-44).

17. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include location information in the data D transmitted from the terminal apparatus in Miyazaki, since Wang states at column 1, lines 23-28 that including the location information would help reduce code shift search time in GPS systems.

Art Unit: 2139

18. Regarding claim 3, Miyazaki teaches wherein the terminal information includes terminal identification information of the terminal apparatus (Figures 7 [blocks 702, 703], 12 [blocks 1202, 1203], paragraphs 0077, 0157, i.e. server receives time stamp TS and digital data D), and the second code generating section is configured to hash the terminal information including the terminal identification information and the temporal change information, to generate the second code (Figure 6, paragraphs 0067-0072).

19. Regarding claim 5, Miyazaki teaches wherein the terminal information includes location-dependent information unique to a location of the terminal apparatus (paragraphs 0175, 0176), and

the second code generating section is configured to hash the terminal information including the location-dependent information and the temporal change information, to generate the second code (Figure 6, paragraphs 0067-0072).

20. Regarding claim 6, Miyazaki teaches wherein the terminal information includes terminal positioning information, obtained by a Global Positioning System (GPS) satellite used to measure a position of the terminal apparatus, and positioning time information, acquired from a satellite electronic clock of the GPS satellite (Figure 1 [block 105], paragraphs 0034, 0175, 0176); and the time certification server further comprises:

a server electronic clock synchronized with the satellite electronic clock of the GPS satellite (Figure 3, paragraphs 0034, 0040); and

a certification time recording section configured to store the positioning time information included in the terminal information and time information measured by the server electronic clock (Figures 2 [block 210], 4 [block 407], paragraphs 0038, 0039, 0046, 0069).

21. Regarding claim 7, Miyazaki teaches wherein the terminal information includes a previously issued time certification code (Figures 5 [block 502], 7 [blocks 704], 11 [block 1102], 12 [block 1204], paragraphs 0050-0057),

the second code generating section is configured to generate the second code based on the terminal information including the time certification code and the temporal change information (Figure 6, paragraphs 0067-0072), and

the transmitting section is configured to transmit to the terminal apparatus the second code output from the second code generating section as a new time certification code (Figures 7 [blocks 707, 708], 12 [blocks 1210, 1211], paragraphs 0073, 0164).

22. With regards to claims 8 and 18, Miyazaki teaches wherein the time certification code memory section is configured to store the previously issued time certification code and the new time certification code in correlation with each other in a traceable manner (Figures 2 [block 210], 4 [block 407], paragraphs 0038, 0039, 0046, 0069), and

the certification processing section, upon receipt of the time certification code from the terminal apparatus, is configured to retrieve from the time certification code memory section a time certification code that correlates with the time certification code received, and output to the

Art Unit: 2139

terminal apparatus the certification information that is acquired from the time certification code retrieved (Figures 7, 12, paragraphs 0074-0083, 0152-0164).

23. Regarding claim 9, Miyazaki teaches a condition checking section configured to detect whether information acquired from the terminal information meets a predetermined condition (Figure 7 [blocks 706, 707], 12 [blocks 1206, 1209, 1210], paragraphs 0082, 0083, 0160-0164), and

a special code instruction section configured to instruct the second code generating section to add a special code indicating that the information acquired from the terminal information meets the predetermined condition when the condition checking section detects that the information acquired from the terminal information meets the predetermined condition (Figures 7 [blocks 707, 708], 12 [blocks 1210, 1211], paragraphs 0073, 0164).

24. Regarding claim 10, Miyazaki teaches a condition checking section configured to detect whether information acquired from the terminal information meets a predetermined condition (Figure 7 [blocks 706, 707], 12 [blocks 1206, 1209, 1210], paragraphs 0082, 0083, 0160-0164), and

an inhibiting section configured to inhibit the second code generating section from generating the-second code when the condition checking section detects that the information acquired from the terminal information meets the predetermined condition (Figures 7 [blocks 707, 708], 12 [blocks 1210, 1211], paragraphs 0073, 0164).

Art Unit: 2139

25. Regarding claims 11 and 19, Miyazaki teaches wherein the temporal change information input section is configured to be connected to a plurality of source devices, each providing the temporal change information, and select one of the plurality of source devices based on time (Figures 1 [blocks 103], 5 [block 502], 7 [blocks 704], 11 [block 1102], 12 [block 1204], paragraphs 0050-0057).

26. With regards to claim 12, Miyazaki teaches wherein the temporal change information input section is configured to select the one of the plurality of source devices at random (Figures 1 [blocks 103], 5 [block 502], 7 [blocks 704], 11 [block 1102], 12 [block 1204], paragraphs 0050-0057).

27. Regarding claim 17, Miyazaki teaches wherein the terminal information includes a previously issued time certification code (Figures 5 [block 502], 7 [blocks 704], 11 [block 1102], 12 [block 1204], paragraphs 0050-0057), and

the time certification server inputs from the terminal apparatus the terminal information including the previously issued time certification code, generates the second code based on the terminal information including the time certification code and the temporal change information, and transmits the second code to the terminal apparatus as a new time certification code (Figure 6, paragraphs 0067-0072).

28. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazaki in view of Wang as applied above, and in further view of Japanese Patent Publication Document 2001-297062 to Togashi et al, hereinafter Togashi.

29. Regarding claim 2, Miyazaki teaches wherein the temporal change information input section inputs the temporal change (Figures 5 [block 502], 7 [blocks 704], 11 [block 1102], 12 [block 1204], paragraphs 0050-0057), and wherein the temporal change information is combined with a random number seed (paragraphs 0058-0062).

30. Miyazaki does not teach wherein the temporal change information includes weather information and wherein the first code generating section hashes the temporal change information including the weather information, thereby thus generating the first code.

31. It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the random number seed with a hash function since Miyazaki states at paragraph 0072 that hash functions are difficult to duplicate and provide against collision resistance.

32. Togashi teaches wherein the temporal information includes weather information (see Applicant's specification, paragraph 0003).

33. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the temporal change information include weather information, since it has been held that combining two well-known practice requires routine skill in the art. See *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007).

Conclusion

34. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

35. The following patents are cited to further show the state of the art with respect to time certification, such as:

United States Patent No. 7,266,685 B1 to Meandzija et al., which is cited to show a timer certification system in a wireless network.

United States Patent No. 7,321,776 B2 to Camp, Jr. et al., which is cited to show estimating the time at a wireless terminal based on information from the base station.

36. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

37. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian LaForgia whose telephone number is (571)272-3792. The examiner can normally be reached on Monday thru Thursday 7-5.

Art Unit: 2139

39. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

40. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christian LaForgia/
Primary Examiner, Art Unit 2139

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